

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present application is respectfully requested. Claims 1-22 are pending in the above application of which claims 1 and 22 are independent.

The Office Action dated January 10, 2010, has been received and carefully reviewed. In that Office Action, claims 1, 9, 14, 21 and 22 were rejected under 35 U.S.C. 102(b) as being anticipated by FR 2799695, hereinafter, "Nocera," claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Nocera in view of WO 02/072371, hereinafter "Butera," and claims 3-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nocera in view of DE 10243974, hereinafter "Burr." An objection was also raised in connection with the drawings. Each of these issues is addressed below, and reconsideration and allowance of claims 1-22 is respectfully requested in view of the following remarks.

DRAWING OBJECTION

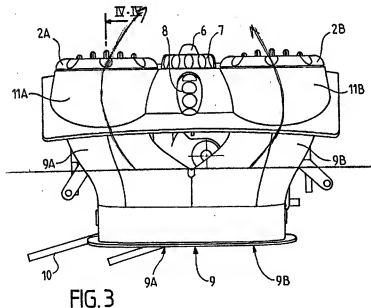
The Office Action indicates that the "control element" recited in claim 16 is not illustrated in the drawings. By the above amendment, the recitation of a control element has been removed from claim 16. It is respectfully submitted that this amendment to claim 16 obviates the objection to the drawings.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Nocera. Claim 1 recites, inter alia, an air vent with an air-supplying air duct and with an air conduction

device. The air duct in the air conduction device is divided into at least two essentially cylindrical subducts, and the cylindrical subducts are arranged parallel with respect to one another. Applicant previously argued that Nocera does not disclose at least two subducts arranged parallel with respect to one another as recited in claim 1, and claim 1 is submitted to be allowable over Nocera for at least this reason.

In response to this argument, the examiner refers to "ducts" 11A and 11B of Nocera and indicates that these ducts are parallel because their center lines are parallel. It is respectfully submitted that Figure 4 of Nocera shows that elements 11A and 11B are not ducts. Rather, they appear to be decorative coverings for ducts 9A and 9B. The centerlines of the only ducts disclosed in Nocera, elements 9A and 9B, are not parallel as shown by the annotated version of Nocera's Figure 3 below. (This image also shows that the centerlines of covers 11A and 11B are not parallel).



The centerlines of Nocera's ducts 9A and 9B follow the curved contours of the sides of the ducts and are angled toward one another as they leave the duct openings. Applicant therefore maintains that ducts 9A and 9B are not parallel. Claim 1 recites parallel ducts, and claim 1 is submitted to be allowable over Nocera for at least this reason.

Section 707.07(f) of the MPEP requires examiners to respond to arguments when rejections are traversed. Applicant has argued that Nocera's rotatable elements 2A and 2B are not "ducts" as stated in the Office Action. The examiner has not responded to this argument, and Nocera's elements 2A and 2B are still referred to as ducts. If the rejection of claim 1 is not withdrawn, it is again respectfully requested that the examiner explain how rotatable elements 2A and 2B are being interpreted as ducts when they do not appear to conduct air in the manner of a duct and in fact, as illustrated in Figure 4, appear to surround ducts 9A and 9B. If the rejection is based on an interpretation of Nocera's covers 11A and 11B as corresponding to the claimed "ducts," it is respectfully requested that the examiner explain how these covers are being interpreted as "ducts" when they do not appear to conduct air but rather form outer coverings of ducts 9A and 9B. Furthermore, if the rejection of claim 1 is maintained, it is respectfully requested that the examiner explain how the curved centerlines of ducts 9A/9B and/or the curved centerlines of covers 11A and 11B are being interpreted as being "parallel."

Claims 2-21 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Independent claim 22 is submitted to be allowable over Nocera at least because the centerlines of Nocera's ducts 9A and 9B are not parallel and for the reasons

provided above in connection with claim 1.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nocera in view of Butera. Claim 2 depends from claim 1. Butera does not address the shortcomings of Nocera discussed above in connection with claim 1. Claim 2 is therefore submitted to be allowable for at least the same reasons as claim 1.

It is also respectfully submitted that the rejection of claim 2 does not constitute a prima facie case of obviousness and that claim 2 is allowable over Nocera in view of Butera for this reason as well. Applicant has previously argued that the examiner has failed to identify the modification to Nocera being proposed and has not provided a reason that one of ordinary skill in the art would have modified Nocera.

Stating that Nocera should be "modified with the Butera 4 air streams" does not constitute an explanation of the modification to Nocera that is being proposed. Butera shows multiple ducts in Figure 1, for example, but this does not constitute an explanation of how Nocera is to be modified. The Office Action appears to intend that Nocera somehow be provided with four ducts, but given the different structures and uses of the Butera system, it is not clear how or why Nocera would be modified based on this reference. See, for example, Figure 1 of Nocera which shows two vent openings projecting from a panel 3. It is not clear whether the examiner is proposing to attach Butera's element 1 to each of these vent openings, or to remove a portion of Nocera's vent openings, or modify Nocera in some other manner.

Moreover, a reason for modifying Nocera has not been provided. Stating that

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Nocera should be provided with more vent openings in order to provide more vent openings is tautological and does not constitute a reason for modifying Nocera. It also does not appear that any modification to Nocera will "improve ventilation" as stated in the Office Action. Applicant presented similar arguments in the previous reply, but the Office Action contains no response to these arguments as required by MPEP 707.07(f). It is respectfully submitted that a prima facie case of obviousness has not been presented in connection with claim 2, and claim 2 is submitted to be allowable for a least this reason.

If the rejection of claim 2 is not withdrawn, it is respectfully requested that the examiner respond to these arguments as required by MPEP 707.07(f), identify "the proposed modification of [Nocera] necessary to arrive at the claimed subject matter" as required by MPEP 706.02(j) and provide a reason that one of ordinary skill in the art would have made the modification to Nocera that is being proposed as required by KSR *Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007).

Claims 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nocera in view of Burr. Claims 3-20 depend from claim 1. Burr does not address the shortcomings of Nocera discussed above in connection with claim 1. Claims 3-20 are therefore submitted to be allowable for at least the same reasons as claim 1.

CONCLUSION

Each issue raised in the Office Action dated January 20, 2010, has been addressed, and it is believed that claims 1-22 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. If the

examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact the undersigned attorney at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,



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